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RULE 63 (37 C.F.R. 1.63)  
**DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

As the below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name, and I believe I am the sole, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled – **SECURE STENT FOR MAINTAINING A LUMENAL OPENING**, the specification of which was filed in the U.S. Patent Office on April 11, 2000 under Serial No. 09/547,708.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose all information known to me to be material to patentability as defined in 37 C.F.R. 1.56. I hereby claim foreign priority benefits under 35 U.S.C. 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate filed by me or my assignee disclosing the subject matter claimed in this application and having a filing date (1) before that of the application on which priority is claimed, or (2) if no priority claimed, before the filing date of this application:

PRIOR FOREIGN APPLICATION(S):			Date first Laid-	Date Patented	Priority Claimed
Number	Country	Day/MONTH/Year Filed	open or Published	or Granted	
					Yes <input type="checkbox"/> No <input type="checkbox"/>

I hereby claim domestic priority benefit under 35 U.S.C. 119/120/365 of the indicated United States applications listed below and PCT international applications listed above or below and, if this is a continuation-in-part (CIP) application, insofar as the subject matter disclosed and claimed in this application is in addition to that disclosed in such prior applications, I acknowledge the duty to disclose all information known to me to be material to patentability as defined in 37 C.F.R. 1.56 which became available between the filing date of each such prior application and the national or PCT international filing date of this application:

PRIOR U.S. PROVISIONAL, NONPROVISIONAL AND/OR PCT APPLICATION(S)		Status	Priority Claimed?
Application No.:	Day/MONTH/Year Filed:	pending, abandoned, patented)	
			Yes <input type="checkbox"/> No <input type="checkbox"/>

and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

And I hereby appoint Pillsbury Madison & Sutro LLP, 1100 New York Avenue, N.W., Ninth Floor, East Tower, Washington, D.C. 20005-3918, telephone number (650) 233-4790 (to whom all communications are to be directed), and the below-named persons (of the same address) individually and collectively my attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith and with the resulting patent, and I hereby authorize them to delete persons no longer with their firm and to act and rely on instructions from and communicate directly with the person/assignee who first sent this case to them and by whom I hereby declare that I have consented after full disclosure to be represented unless/until I instruct the above Firm and/or a below attorney in writing to the contrary.

Paul N. Kokulis	16773	Dale S. Lazar	28872	Timothy J. Klima	34852	W. Patrick Bengtsson	32456
Raymond F. Lippitt	17519	Glenn J. Perry	28458	Stephen C. Glazier	31361	Jack S. Barufka	37087
G. Lloyd Knight	17698	Kendrew H. Colton	30368	Paul F. McQuade	31542	Adam R. Hess	41835
Carl G. Love	18781	Paul E. White, Jr.	32011	Ruth N. Morduch	31044	William P. Atkins	38821
Kevin E. Joyce	20508	G. Paul Edgell	24238	Richard H. Zaitlen	27248	Paul L. Sharer	36004
George M. Sirilla	18221	Lynn E. Eccleston	35861	Roger R. Wise	31204	<b>David H. Jaffer</b>	<b>32243</b>
Donald J. Bird	25323	David A. Jakopin	32995	Jay M. Finkelstein	21082		
Peter W. Gowdey	25872	Mark G. Paulson	30793	Michael R. Dzwonczyk	36787		

**1. INVENTOR'S SIGNATURE:**

Inventor's Name: Ashvin Desai  
Address (City, State): San Jose, California  
Post Office Address: 2195 Trade Zone Boulevard  
San Jose, CA 95131

Date 9/7/00  
Country of Citizenship: United States of America



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Attorney, Doyle, Park & Associates, P.C. 10284-0270624 (4388-21)**PATENT**Applicant/Patentee: Ashvin H. DesaiSerial/Patent No.: 09/547,708Filed/Issued on: April 11, 2000Title: Secure Stent for Maintaining a Lumenal Opening**STATEMENT CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(f) and 1.27(c)) – SMALL BUSINESS CONCERN**

I hereby state that I am

- ☐ the owner of the small business concern identified below:  
☐ an official of the small business concern empowered to act on behalf of the concern identified below:

Name of Small Business Concern 2000 InjecTx, Inc.Address of Small Business Concern 2195 Trade Zone BoulevardSan Jose, California 95131

I hereby state that the above identified small business concern qualifies as a small business concern, as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office under Sections 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third-party or parties controls or has the power to control both.

I hereby state that rights under contract or law have been conveyed to, and remain with, the small business concern identified above, with regard to the invention described in

- ☐ the specification filed herewith, with title as listed above.  
☐ the application identified above (Serial No. 09/547,708).  
☐ the patent identified above.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c), if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

**\*NOTE: Separate statements are required from each named person, concern or organization having rights to the invention as to their status as small entities. (37 CFR 1.27)**

Each such person, concern or organization having any rights in the invention is listed below:

- ☐ No such person, concern, or organization exists.  
☐ Each such person, concern or organization is listed below.

Name \_\_\_\_\_

Address \_\_\_\_\_

☐ INDIVIDUAL☐ SMALL BUSINESS CONCERN☐ NONPROFIT ORGANIZATION

Name \_\_\_\_\_

Address \_\_\_\_\_

☐ INDIVIDUAL☐ SMALL BUSINESS CONCERN☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small business entity is no longer appropriate. (37 CFR 1.28(b))

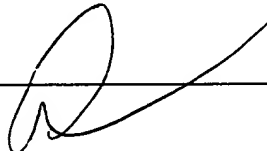
☐ I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of Person Signing Ashvin H. Desai

Title of Person if Other Than Owner President, 2000 InjecTx, Inc.

Address of Person Signing 2195 Trade Zone Boulevard, San Jose, California 95131

SIGNATURE



Date

7/7/00